

REMARKS

Claims 1, 2, 4-12, 14-18, 20-28, 30-34, 36-44 and 46-48 are currently pending in the present application. Applicants note with appreciation the indication of allowable subject matter with respect to claims 7, 23 and 29. With entry of this Amendment, Applicants amend claims 7, 23 and 29. Reexamination and reconsideration are respectfully requested.

Claims 7, 23, and 29

Applicants have amended claims 7, 23 and 29 to place each claim in independent form. Applicants respectfully submit that claims 7, 23 and 29 are in condition for allowance.

Request for Withdrawal of Finality

The Examiner rejected the remaining claims under 35 U.S.C. § 103(a) as being unpatentable over Yun (US 5298674) in view of Choi et al. (US 5726373). This is a new ground of rejection in a second Office Action. A final rejection is only warranted if the new ground of rejection was necessitated either (1) by information submitted in IDS after the first Office Action or (2) Applicants' previous amendment. See MPEP 706.07(a). Because neither requirement is met, Applicants respectfully request that the Examiner withdraw the finality of the present rejection.

The first requirement is not met, because Choi was not submitted by Applicants in an IDS during the required time.

The second requirement is also not met. In the previous Amendment, Applicants amended independent claims 1, 12, 17, 28, 33 and 44 to merely incorporate the recitations of dependent claims 3, 13, 19, 29, 35 and 45. In the first Office Action, the Examiner contended that Yun anticipated claims 1, 12, 17, 28, 33 and 44 as well as claim 3, 13, 19, 29, 35 and 45. Thus, the amendment to the independent claims did not present any new recitation to support the new ground of rejection based on Yun and Choi. Accordingly, Applicants respectfully request that the Examiner withdraw the finality of the present rejection.

Response to Rejection based on Yun and Choi

As discussed above, Applicants previously amended independent claims 1, 12, 17, 28, 33 and 44 to incorporate the recitations of dependent claims 3, 13, 19, 29, 35 and 45 respectively. The dependent claims recited that “said at least one feature is a similarity of said waveform to plural reference waveforms.”

For example, claim 1, as amended, recites an analyzer that evaluates “at least one feature of said information carrying signal found in a waveform of said information carrying signal” and a judging circuit that investigates “the evaluation supplied from said analyzer to see what sort of modulation technique exhibits said at least one feature so as to determine the sort of modulation technique employed in said information carrying signal, wherein said at least one feature is a similarity of said waveform to plural reference waveforms.” By comparing the waveform to plural reference waveforms, the invention can determine modulation technique.

In contrast, neither Yun nor Choi disclose a judging unit that determines a modulation technique based on the recited similarity. As discussed in the response to the previous Office Action, Yun is directed to an apparatus that can determine whether an audio signal is either a vocal sound or a musical sound. In Yun, an input audio signal is input to a pre-processing circuit (block 10 in Fig. 1), then an intermediate decision circuit (block 20) and finally a decision circuit (block 30). The pre-processing circuit and intermediate decision circuit operate without considering the similarity of a waveform to plural reference waveforms. The Examiner concedes this in the present Office Action. Moreover, the ultimate decision by Yun’s decision circuit is whether the signal is a vocal sound or a musical sound. There is no disclosure or suggestion in Yun that the decision circuit determines a “modulation technique” as recited.

As discussed, the Examiner concedes that Yun does not disclose evaluating the similarity of a waveform to plural reference waveforms and cites Choi at Col. 16, line 30 to Col. 17, line 55 as disclosing the recitation.

Applicants respectfully submit that the cited section of Choi does not make up for the deficiencies of Yun. Choi discloses a karaoke-type reproduction apparatus having the internal circuitry displayed in Fig. 14. The sync signal generator 168 of Fig. 14 is further detailed in Fig. 16. The sync signal generator as illustrated in Fig. 16 includes a field distinguisher 204 having a discriminator 220. The discriminator 220 receives a leading edge detection signal VSYP and an internal reference signal HLDE (both illustrated in Fig. 17). Based on whether the HLDE reference signal's pulse is high (as in 238 of Fig. 17) or low (as in 240 of Fig. 17) in comparison to the level of the leading edge detection signal VSYP, the discriminator 220 outputs an odd or even signal corresponding to an odd or even field. Thus, all that a discriminator 220 discriminates is whether the field is even or odd for video output. There is no disclosure or suggestion that the discriminator's comparison is to determine a modulation technique as recited. Accordingly, Applicants respectfully submit that all of the pending claims are patentable over the cited references Yun and Choi.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032030500.

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Respectfully submitted,

By 
Mehran Arjomand

Registration No.: 48,231
MORRISON & FOERSTER LLP
555 West Fifth Street, Suite 3500
Los Angeles, California 90013
(213) 892-5200